

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME V

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

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FIRST CONFIRMATION SESSION

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SECOND REGULAR SESSION

House of Representatives

January 8, 1992 to March 9, 1992

STATE OF MAINE
ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST SPECIAL SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
July 16, 1991

After Recess.

Senate called to Order by the President.

CALLING OF THE ROLL

The Roll being called, the following Senators answered to their name:

Senators, BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, ESTES, ESTY, GAUVREAU, KANY, MATTHEWS, MCCORMICK, MILLS, THERIAULT, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY

19 Senators having answered to the Roll, the President declared a quorum was present.

Out of order and under suspension of the Rules, the Senate considered the following:

ORDERS

Joint Orders

On motion by Senator THERIAULT of Aroostook the following Joint Order:

S.P. 781

ORDERED, the House concurring, that the following Bills and accompanying papers, which were placed in the legislative file upon adjournment without day of the First Regular Session of the 115th Legislature, be recalled from the legislative file to the Senate for pending question:

S.P. 131, L.D. 233
An Act to Amend the Provisions Regarding the Uniform Traffic Ticket and Complaint

H.P. 389, L.D. 563
An Act to Amend the Auctioneer Licensing Law Relating to the Sale of Motor Vehicles at Public Auction

H.P. 457, L.D. 648
An Act to Amend the Motor Vehicle Title Laws

H.P. 636, L.D. 906
An Act to Amend Certain Commercial Motor Vehicle Laws

S.P. 350, L.D. 952
Resolve, Authorizing a Payment to Steven P. Smith and Ramona Smith of \$47,908.06

S.P. 585, L.D. 1538
An Act to Amend the Laws Governing License Plates and Placards for Disabled Veterans

H.P. 1073, L.D. 1567
An Act to Provide Identification Cards for Persons 18 to 20 Years of Age

H.P. 1209, L.D. 1765
An Act Amending Certain Motor Vehicle Laws

H.P. 1221, L.D. 1779
An Act to Create Special Veteran Plates and Emblems

Which was READ.

THE PRESIDENT: The pending question before the Senate is **PASSAGE**. Pursuant to Joint Rule 15, this Joint Order requires the affirmative vote of two-thirds of the members present and voting.

Will all of those members in favor of **PASSAGE**, please rise and remain standing in your place until counted.

Will all those opposed please rise in their places and remain standing until counted.

18 Senators having voted in the affirmative and No Senators having voted in the negative, and 18 being more than two-thirds of the Membership present and voting, the Joint Order was **PASSED**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

On motion by Senator CLARK of Cumberland the following Joint Order:

S.P. 782

ORDERED, the House concurring, that the following bills and all their accompanying papers, which were placed in the legislative file upon adjournment without day of the First Regular Session of the 115th Legislature, be recalled from the file and recommitted to the following joint standing committees of the Legislature:

Joint Standing Committee on Appropriations and Financial Affairs

S.P. 58, L.D. 107
An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers

S.P. 207, L.D. 534
An Act Pertaining to Community Corrections Programs

S.P. 232, L.D. 586
An Act to Provide the Legislature with Revenue Forecasting Capabilities

H.P. 411, L.D. 594
An Act to Share Proportionately the Public Safety Costs for the Capitol Area

H.P. 447, L.D. 637
An Act Relating to the Restoration of Drivers' Licenses

H.P. 521, L.D. 749
An Act to Provide Funds for the Montpelier Museum in Thomaston

S.P. 319, L.D. 857
An Act to Ensure Adequate Resources for Energy Assistance Programs for Low-income Households

S.P. 423, L.D. 1135
An Act Concerning the Regulation of Electronic Video Credit Machines by the State Police

H.P. 837, L.D. 1203
An Act to Implement the Recommendations of the Maine Commission on Legal Needs

S.P. 507, L.D. 1345
Resolve, to Provide Additional Funding and an Extension of Time to Allow Phase 2 of the New Capitol Area Master Plan to Be Completed

S.P. 519, L.D. 1397
An Act to Establish a Seasonal Permit for the Sale of Deer Hides

S.P. 571, L.D. 1525
An Act to Provide Fully Paid Health Insurance Benefits to Retired Teachers

S.P. 641, L.D. 1689
An Act to Establish a Public Solid Waste Facilities Loan and Grant Program

H.P. 1309, L.D. 1891
An Act Concerning Railroad Personnel

Joint Standing Committee on Banking and Insurance

H.P. 1378, L.D. 1966
RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Expenditure of the Funds of a Public Mutual Insurance Company Created by the State to Provide Workers' Compensation Insurance to Employers in this State Joint Standing Committee on State and Local Government

S.P. 767, L.D. 1963
An Act to Implement Constitutional Provisions Restricting the Imposition of Unfunded State Mandates

H.P. 1377, L.D. 1964
Resolve, to Establish the Commission on Recall; and be it further

ORDERED, that these matters be carried over to the next special or regular session of the 115th Legislature.

Which was READ.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is **PASSAGE**. Pursuant to Joint Rule 15, this Joint Order requires the affirmative vote of two-thirds of the members present and voting.

Will all of those members in favor of **PASSAGE**, please rise and remain standing in your place until counted.

Will all those opposed please rise in their places and remain standing until counted.

18 Senators having voted in the affirmative and No Senators having voted in the negative, and 18 being more than two-thirds of the Membership present and voting, the Joint Order was **PASSED**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. A point of inquiry. Could you give us some direction. If there are some Bills which are not on this paper or the House paper that we might want to have recalled, or carried over, what would the procedure be for that?

THE PRESIDENT: The Chair would inform the Senator that the procedure would be to pass an Order recalling a Bill from the Legislative Files pursuant to Joint Rule 15, which requires a two-thirds vote of each Body.

Senate at Ease

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

An Act Providing Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1991, June 30, 1992 and June 30, 1993

H.P. 1393 L.D. 1979
 (H "A" H-762 to S
 "D" S-468; S "C"
 S-467)

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the Budget, the two year Biennium that we have been trying so hard to pass. It has been debated enough. It is time to vote and get the state back on the road. I would encourage everyone to support the Bill that is before us.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I, too, would urge passage of the two year Budget, which is appearing before us on Supplement 1. Today has really been a tough day, we have all worked very hard to try to come to some agreement. The agreement that was worked out between the Governor, and the President of the Senate, and the Speaker of the House on July 14th, states that if the points of agreement on the Workers' Compensation Package are satisfactory, that a majority of both caucuses, including all of leadership, will go ahead and give the necessary 24 votes in the Senate to Enact this Bill. I am encouraging you to do that today.

I would like to state that we have been working up until this very minute on language, verifying that this language is necessary. There are still a couple very small areas of agreement, but we are willing today to work on faith. We are going to work on the word of each and every one of you here, that the language that is about to be worked out is, indeed, satisfactory to both sides. I am assuming that it will be, but after the vote is taken, this will go directly to the Governor's Office for his signature upon agreement of that language. There are still several small things that have yet to be agreed on. It will go to his office, and as a member of the Republican leadership, I am hoping and encouraging you all to work in good faith, which many of you have done in the last twenty-four hours, and I think that everything will be done satisfactorily. I would request a Roll Call.

On motion by Senator **CAHILL** of Sagadahoc, supported by a Division of one-fifth of the members present and voting, a Roll call was ordered.

The President requested that the Sergeant-at-Arms escort the Senator from Cumberland, Senator **CLARK** to the Rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the Floor of the Senate.

Senate called to Order by the President Pro Tem.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator **PRAY:** Thank you Madam President. Ladies and Gentlemen of the Senate. This is a moment that the members of the 115th Legislature has long awaited, an opportunity to pass a Biennial Budget for the operation of our government. Not a Republican Government or a Democratic Government, but of our government. I think in a sense we owe an apology to the people of this state, taking us so long to get to this particular point. The action is, as I have stated before, that this Chamber needed to act responsibly, and to respond to the oath of office that we had taken. Today we will have that opportunity.

The good Senator from Sagadahoc, Senator Cahill, raised concerns that there are still a few specific pieces of language that need to be worked out. In pursuant to the Memorandum of Agreement, which does state that the legislative representatives and the Commissioner of Professional and Financial Regulations will establish points of agreements on Workers' Compensation Reform language and savings, this is the particular point of language that she is referring to, just so that everybody clearly understands, the Memorandum of Agreement that was signed by the Governor, the Speaker, and myself, was penned by myself. Obviously, one can read a fair amount into that agreement. But it was an attempt to break the impasse that we were at, so that we could move forward. I think that the remaining points of language are minor. I will hope they are minor in nature, and that the Governor of this state will be able to, this evening, sign this document so that the people of the State of Maine can start receiving their services, and those who are employed by the citizens of this state, can return to work, because they have been unfairly, truly unfairly, held at a degree of disrespect, hostage to the situation. I hesitated, because I don't want to be inflammatory to any one, because I do respect the political convictions, even though I may disagree with them, to those who had concerns about the points of differences. The necessity to offset Representative Marsano, the sponsor of the tax proposals legislation of increase in taxes by \$300 million to the citizens of this state, it is something bipartisan that we have equally shared a concern about sponsored on behalf of the Governor of our state. I want to compliment him on recognizing the necessity of both revenues and the reduction of spending. Those members of the Appropriations Committee who labored for many hours in putting together a document that was so unanimously agreed to on the second floor in the Appropriations Room, as well as the Chief

Executive on the second floor, the document is before us now.

The good Senator from Franklin, Senator Webster, spoke for his constituency very fairly in stating their concerns about tax increases. He stated on a number of occasions that in exchange for this tax increase, there had to be an offset on the cost of Workers' Compensation. One of the sticking points at this particular point is a reduction of rates in Workers' Compensation. One of the points of language that has to be worked out is a proposal that I submitted last evening, that we want to assure the businesses of this state, large and small, self-insured, or in the risk pool, that there is going to be a reduction in their rates in exchange for the compensation package that will follow here thereafter, pursuant to the agreement within twenty-four hours, as a matter of fact. It is imperative that we see that the reduction of these rates, based upon the action that we take, reaches the citizens of this state, and not the insurance industry from other states in this nation. Our citizens need to benefit from this.

I would like to compliment a number of individuals in this Chamber who have labored long and hard on getting us to where we are today. The Senator from York, Senator Dutremble. The Senator from Cumberland, Senator Esty. The Senator from Kennebec, Senator Kany. The Senator from York, Senator Carpenter. The Senator from Knox, Senator Brawn. The Senator from Androscoggin, Senator Gauvreau. The Senator from Cumberland, Senator Conley. These Senators, along with all members of leadership of both sides of the aisle who were in and out of negotiations on this particular issue to bring us to where we are at today.

When I finally got to leave my office this morning it was around 4:18, after having spent several twenty hour days here trying to break this impasse. I hope though, that after we enact this Budget, that we look back to the Institution and the process, because as I have stated on more than one occasion, more than these particular issues before us now are the very fiber in the institution of a democracy. I stand here just as concerned today, not of this Administration, not of the members that are here, but of future generations who will serve in the Legislature, who will be duly elected by their citizens to represent in a representative form of government. To allow a democracy to sink to the position like this, and jointly in part to some degree, I am willing to accept some of the blame, none of us are excused from that blame, we all need to share in it, but we need to look at the very fiber of our democracy and decide if there is a way to improve this process. I have already thought of some situations, obviously, we have never ended up in a situation where we did not have a Part One Budget that was acted upon somewhere in April or May. I also need to extend appreciation to the other member of the Banking and Insurance Committee, Senator Theriault, who I absently forgot a moment ago, for his long work, and the numerous suggestions on how we could improve the process along with the rest of those individuals. I would hope that each of us walk away from here, remembering what took us to this particular point, and how we can ever prevent it from occurring again. If we can do that, then we will

have served our constituents well. Thank you Madam President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACC**I: Thank you Madam President. Ladies and Gentlemen of the Senate. I would like to commend the Minority members of the Senate for allowing an opportunity for discussion and maintaining that discussion of these very important issues. I would like to thank them for a willingness to discuss, and debate, and to compromise, because it certainly is a compromise. But, I would caution all members of the Senate that what is at stake today is not whether so much has been given up on Workers' Compensation, or so many issues have been dealt with in an arbitrary or capricious manner, but the fact is, we have all taken an oath to represent the State of Maine. We have taken an oath to represent the people in the State of Maine, and the Institutions in the State of Maine. I would think that it would be an important lesson to learn that the community service should win out over that of the special private interest. It is that special private interest running in conflict with the community that has been an issue, I believe, for the last three weeks. I would like to thank you, and appreciate your support on these matters in the future. Thank you.

The President Pro Tem requested that the Sergeant-at-Arms escort the Senator from Penobscot, Senator **PRAY** to the Rostrum where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator **CLARK** to her seat on the floor.

Senate called to Order by the President.

THE PRESIDENT: The pending question before the Senate is **ENACTMENT**.

A vote of Yes will be in favor of **ENACTMENT**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, RICH, SUMMERS, THERIAULT, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senator HOLLOWAY

ABSENT: Senators BRAWN, COLLINS, PEARSON, TITCOMB

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with 1 Senator having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

On motion by Senator THERIAULT of Aroostook, the Senate removed from the **HIGHWAY APPROPRIATIONS TABLE** the following:

Emergency

An Act to Make Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993

H.P. 1389 L.D. 1977

Tabled - July 13, 1991, by Senator THERIAULT of Aroostook.

Pending - FURTHER CONSIDERATION

(In Senate, July 11, 1991, **FAILED OF ENACTMENT** in **NON-CONCURRENCE**.)

(In House, July 11, 1991, that Body **ADHERED** to **ENACTMENT**.)

(In Senate, July 11, 1991, motion to **RECEDE** and **CONCUR FAILED**.)

(**RECALLED** from Legislative Files pursuant to Joint Order H.P. 1394, in concurrence.)

(In House, July 13, 1991, **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.)

On further motion by same Senator, the Senate **RECEDED** and **CONCURRED**.

Off Record Remarks

On motion by Senator BUSTIN of Kennebec, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

RECALLED FROM LEGISLATIVE FILES

An Act to Amend the Provisions Regarding the Uniform Traffic Ticket and Complaint

S.P. 131 L.D. 233
(C "A" S-54)

(In Senate, April 25, 1991, Placed on the Special Highway Table by Senator THERIAULT of Aroostook, pending **ENACTMENT**.)

(In House, April 24, 1991, **PASSED TO BE ENACTED**.)

(In Senate, April 16, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-54)**.)

(**RECALLED** from the Legislative Files, pursuant to Joint Order S.P. 781, in concurrence.)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Amend the Auctioneer Licensing Law Relating to the Sale of Motor Vehicles at Public Auction

H.P. 389 L.D. 563
(C "A" H-101)

(In Senate, April 25, 1991, Placed on the Special Highway Table by Senator THERIAULT of Aroostook, pending **ENACTMENT**.)

(In House, April 24, 1991, **PASSED TO BE ENACTED**.)

(In Senate, April 18, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-101)**, in concurrence.)

(RECALLED from the Legislative Files, pursuant to Joint Order S.P. 781, in concurrence.)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Amend the Motor Vehicle Title Laws
H.P. 457 L.D. 648
(C "A" H-307)

(In Senate, June 5, 1991, Placed on the Special Highway Table by Senator **THERIAULT** of Aroostook, pending **ENACTMENT**.)

(In House, June 4, 1991, **PASSED TO BE ENACTED**.)

(In Senate, May 23, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-307)**, in concurrence.)

(RECALLED from the Legislative Files, pursuant to Joint Order S.P. 781, in concurrence.)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Amend Certain Commercial Motor Vehicle Laws
H.P. 636 L.D. 906
(C "A" H-268)

(In Senate, May 28, 1991, Placed on the Special Highway Table by Senator **MILLS** of Oxford, pending **ENACTMENT**.)

(In House, May 23, 1991, **PASSED TO BE ENACTED**.)

(In Senate, May 20, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-268)**, in concurrence.)

(RECALLED from the Legislative Files, pursuant to Joint Order S.P. 781, in concurrence.)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolve, Authorizing a Payment to Steven P. Smith and Ramona Smith of \$47,908.06

S.P. 350 L.D. 952
(C "A" S-137)

(In Senate, May 23, 1991, Placed on the Special Highway Table by Senator **THERIAULT** of Aroostook, pending **FINAL PASSAGE**.)

(In House, May 22, 1991, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

(In Senate, May 9, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-137)**.)

(RECALLED from the Legislative Files, pursuant to Joint Order S.P. 781, in concurrence.)

Which was **FINALLY PASSED** and signed by the President in **NON-CONCURRENCE**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

An Act to Amend the Laws Governing License Plates and Placards for Disabled Veterans
S.P. 585 L.D. 1538
(C "A" S-247)

(In Senate, June 10, 1991, Placed on the Special Highway Table by Senator **THERIAULT** of Aroostook, pending **ENACTMENT**.)

(In House, June 10, 1991, **PASSED TO BE ENACTED**.)

(In Senate, June 5, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-247)**.)

(RECALLED from the Legislative Files, pursuant to Joint Order S.P. 781, in concurrence.)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Provide Identification Cards for Persons 18 to 20 Years of Age
H.P. 1073 L.D. 1567
(H "A" H-546 to C "A" H-492)

(In Senate, June 11, 1991, Placed on the Special Highway Table by Senator **THERIAULT** of Aroostook, pending **ENACTMENT**.)

(In House, June 10, 1991, **PASSED TO BE ENACTED**.)

(In Senate, June 10, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-492) AS AMENDED BY HOUSE AMENDMENT "A" (H-546)** thereto, in concurrence.)

(RECALLED from the Legislative Files, pursuant to Joint Order S.P. 781, in concurrence.)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act Amending Certain Motor Vehicle Laws
H.P. 1209 L.D. 1765
(C "A" H-653)

(In Senate, June 12, 1991, Placed on the Special Highway Table by Senator **THERIAULT** of Aroostook, pending **ENACTMENT**.)

(In House, June 12, 1991, **PASSED TO BE ENACTED**.)

(In Senate, June 12, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-653)**, in concurrence.)

(**RECALLED** from the Legislative Files, pursuant to Joint Order S.P. 781, in concurrence.)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Create Special Veteran Plates and Emblems
H.P. 1221 L.D. 1779
(C "A" H-480)

(In Senate, June 10, 1991, Placed on the Special Highway Table by Senator **THERIAULT** of Aroostook, pending **ENACTMENT**.)

(In House, June 10, 1991, **PASSED TO BE ENACTED**.)

(In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-480)**, in concurrence.)

(**RECALLED** from the Legislative Files, pursuant to Joint Order S.P. 781, in concurrence.)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1395

ORDERED, the Senate concurring, that the following legislative documents be recalled from the legislative files to point of enactment in the House.

S.P. 80, L.D. 143
An Act to Preserve the Integrity of the Maine State Lotteries (S. "B" S-443 to C. "A" S-187)

S.P. 90, L.D. 175
An Act Related to the Office of Substance Abuse (S. "D" S-420 to C. "A" S-359)

H.P. 139, L.D. 199
Resolve, to Establish the Commission to Study the Use of Professional Strikebreakers (C. "A" H-185 and S. "A" S-421)

S.P. 134, L.D. 272
An Act to Revise the Small Claims Laws (S. "A" S-427 to C. "A" S-238)

H.P. 258, L.D. 349
An Act to Protect the Public from Unsafe Industrial and Commercial Facilities (S. "A" S-428 to C. "A" H-590)

H.P. 328, L.D. 458
An Act to Provide Funds to the Maine Rural Water Association for Services to Water and Wastewater Systems (S. "A" S-434)

S.P. 211, L.D. 538
An Act Relating to Assumption of Medical Expenses by the State in Child Protection Investigations (S. "A" S-429 to C. "A" S-81)

S.P. 247, L.D. 656
An Act to Reduce Duplication at the Department of Human Services (C. "A" S-103 and S. "A" S-430)

H.P. 579, L.D. 830
An Act Regarding Subsidies to Public Schools for Home School Students (S. "A" S-436 to C. "A" H-356)

H.P. 588, L.D. 839
An Act to Ensure Early Intervention Services to Eligible Special Needs Children from 3 to 5 Years of Age (S. "B" S-447 to C. "A" H-615)

S.P. 326, L.D. 882
An Act to Amend the Laws Concerning Certification of Educational Personnel (S. "A" S-431 to C. "A" S-253)

S.P. 331, L.D. 887
An Act to Strengthen Municipal Borrowing Alternatives (S. "A" S-444 to C. "A" S-299)

S.P. 365, L.D. 967
An Act to Eliminate the Lobster Management Task Force (S. "B" S-441 to C. "A" S-290)

H.P. 750, L.D. 1070
An Act to Improve Student Financial Assistance Services (Reported Pursuant to Public Law 1989, chapter 559, section 12 and chapter 698, section 74) (S. "A" S-432 to C. "A" H-646)

H.P. 875, L.D. 1261
An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in the State (S. "B" S-446 to C. "A" H-273)

S.P. 538, L.D. 1436
Resolve, Relating to Medicaid Rules Governing Services to Persons with Mental Retardation (S. "A" S-437 to C. "A" S-231)

S.P. 551, L.D. 1455
Resolve, to Conduct an Independent Review of the Department of Human Services (C. "A" S-240 and S. "A" S-422)

H.P. 1067, L.D. 1556
An Act to Unify Housing Services (S. "A" S-440 to C. "A" H-568)

S.P. 642, L.D. 1690
An Act to Establish a Higher Education Loan Program and to Make Certain Amendments to the Laws Affecting Education Programs of the Finance Authority of Maine (S. "B" S-426 to C. "A" S-308)

H.P. 1174, L.D. 1715
An Act to Establish State Selective Purchasing Standards (S. "C" S-423)

H.P. 1184, L.D. 1727
Resolve, to Study the Feasibility of a Statewide Health Insurance Program (S. "B" S-424 to C. "A" H-406)

H.P. 1304, L.D. 1886
An Act to Repeal the Laws Allowing the State to Participate in Lotto*America (S. "A" S-438 to C. "A" H-576)

H.P. 1321, L.D. 1912
An Act to Promote Long-term Economic Development (S. "A" S-433 to C. "A" H-657)

H.P. 1343, L.D. 1934
An Act to Eliminate the Requirement of Reimbursement for Search and Rescue Activities (S. "A" S-439)

H.P. 1374, L.D. 1959
An Act to Fund a Collective Bargaining Agreement (S. "A" S-448)

Comes from the House **READ** and **PASSED**.

Which was **READ**.

THE PRESIDENT: The pending question before the Senate is **PASSAGE**. Pursuant to Joint Rule 15, this Joint Order requires the affirmative vote of two-thirds of the members present and voting.

Will all of those members in favor of **PASSAGE**, please rise and remain standing in your place until counted.

Will all those opposed please rise in their places and remain standing until counted.

20 Senators having voted in the affirmative and No Senators having voted in the negative, and 20 being more than two-thirds of the Membership present and voting, the Joint Order was **PASSED**, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency

An Act to Make Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993

H.P. 1389 L.D. 1977

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication:

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

July 16, 1991

Respectfully,

Honorable Joy J. O'Brien
Secretary of the Senate
115th Legislature
Augusta, Maine 04333

S/Edwin H. Pert
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

Dear Madam Secretary:

House Paper 1100, Legislative Document 1599, Resolve, to Instruct the Department of Education to Eliminate the School System "Report Card" Program, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Sixty-two voted in favor and sixty-six against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Senator **TITCOMB** of Cumberland was granted unanimous consent to address the Senate on the Record.

Respectfully,

S/Edwin H. Pert
Clerk of the House

Senator **TITCOMB**: Thank you Mr. President. Ladies and Gentlemen of the Senate. For the Record, I wanted to let the Body know why I wasn't here when the vote for the Budget Bill was taken. I was hung up in traffic getting off the turnpike. Also for the Record, had I been here I would have voted in support of the Budget.

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

Senator **VOSE** of Washington was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

July 16, 1991

Honorable Joy J. O'Brien
Secretary of the Senate
115th Legislature
Augusta, Maine 04333

On motion by Senator **MCCORMICK** of Kennebec, **RECESSED** until Wednesday, July 17, 1991, at 9:00 in the morning.

Dear Madam Secretary:

House Paper 772, Legislative Document 1104, AN ACT to Address Staffing Inequities Resulting from the Implementation of the Maine Financial and Administrative Statewide Information System Pursuant to the Maine Sunset Act (EMERGENCY), having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Seventy-seven voted in favor and fifty-three against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.